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Executive summary

Note by the Secretariat

Addendum

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II. Executive summary

Bahamas

1. Introduction: overview of the legal and institutional framework of the Bahamas in the context of implementation of the United Nations Convention against Corruption

The Bahamas acceded to the Convention on 10 January 2008. The country has a dualist system and does not apply the Convention directly; its legal system is based on common law.

The most relevant institutions in the fight against corruption include the Attorney-General's Office, the Financial Intelligence Unit, the Royal Bahamas Police Force and the Director of Public Prosecutions.

2. Chapter III: Criminalization and law enforcement

2.1. Observations on the implementation of the articles under review

Bribery and trading in influence (arts. 15, 16, 18 and 21)

Active bribery of public officials is regulated in sections 3(1), 4 and 7 of the Prevention of Bribery Act (PBA), and sections 472, 474, 475 and 477 of the Penal Code (PC). The Prevention of Bribery Act defines "advantage" through a list of benefits (section 2). Section 4 PC defines "valuable consideration". The Act specifies that "a person offers an advantage if he, or any other person, acting on his behalf, directly or indirectly gives, affords or holds out, or agrees, undertakes or promises to give, afford or hold out, any advantage to or in trust for any other person" (section 2(2)(a)). The authorities confirmed that immaterial benefits would be covered under the concept of "forbearance" (section 2 PBA and section 4 PC) and "other service" (section 2 PBA).

Passive bribery of public officials is criminalized (section 3(2) PBA and sections 473 to 476 PC). The Act specifies that "a person solicits an advantage if he, or any other person, acting on his behalf, directly or indirectly, demands, invites, asks for or indicates willingness to receive any advantage, whether for himself or for any other person" (section 2(2)(b)) and that "a person accepts an advantage if he, or any other person, acting on his behalf, directly or indirectly, takes, receives or obtains, or agrees to take, receive or obtain any advantage, whether for himself or for any other person" (section 2(2)(c)).

Sections 3, 4 and 7 PBA foresee exculpatory elements of acting under "lawful authority or reasonable excuse".

Active bribery of foreign public officials, including officials of public international organizations, is criminalized (section 3A (1) PBA, as amended in 2014). Under section 3A a person who "offers any advantage of any kind to a foreign public official to obtain or retain an advantage in the course of business as an inducement to or reward for or otherwise on account of that foreign public official ... shall be guilty under this Part". Sections 3A (2) and 3B PBA foresee exceptions to the offence established in section 3A (1): section 3B PBA excludes from the scope of the offence a payment made in the course of business to expedite the performance by a

foreign public official of any act of a routine nature that is part of his duties or functions.

Passive bribery of foreign public officials and officials of public international organizations is not criminalized.

Active and passive trading in influence is criminalized (section 4 PBA), but does not cover promising or giving an advantage, "supposed influence", nor influence by "any other person". Section 4 PBA lists the purposes for which trading in influence is criminalized, and establishes the exculpatory elements of "lawful authority and reasonable excuse".

Active and passive bribery in the private sector is criminalized (sections 5, 6 and 8 PBA and section 354 PC). As opposed to the Act, section 354 PC does not cover the promise of an advantage, the indirect commission of offences and third-party benefits. "Agent" includes any person employed by or acting for another (section 354 PC and section 2(1) PBA). Section 354(3) PC requires the consent of the Attorney-General for prosecutions under that section.

Money-laundering, concealment (arts. 23 and 24)

Money-laundering is criminalized (sections 40 to 42 of the Proceeds of Crime Act (POCA)). The conversion or transfer of property for the purpose of concealing or disguising the property is criminalized, but not for the purpose of helping any person involved in the commission of the predicate offence to evade the legal consequences of his actions. The latter, as well as the participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of money-laundering offences, can be covered by application of section 86 PC (abetment of offence).

The acquisition, possession or use of property representing proceeds of crime is criminalized (section 42 POCA).

A wide range of predicate offences, including all corruption offences, is covered, irrespective of where they occur. Self-laundering is not excluded from criminalization (section 40, subsection 1, POCA).

Concealment is criminalized (section 41 POCA).

Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)

Embezzlement and misappropriation are criminalized and apply to all persons, but do not explicitly include acts committed for the benefit of third parties (sections 48, 49, 52, 54 and 340(4) PC).

The Bahamas has not criminalized the abuse of functions.

The Bahamas has not criminalized illicit enrichment. The Public Disclosure Act establishes an obligation to furnish declarations of assets and provides for sanctions in cases of non-compliance (section 13).

Obstruction of justice (art. 25)

The use of physical force, threats or intimidation against a witness or a justice or law enforcement official is criminalized (section 4 of the Justice Protection Act (JPA)).

The promise, offering or giving of a benefit in order for a witness to give false testimony or withhold true testimony is criminalized (section 3(1)(a) JPA).

Wilfully preventing or attempting to prevent a person from attending any court or tribunal as a witness, or from producing evidence, is criminalized (section 3(3) JPA). Section 3(2)(a) establishes a criminal offence where any property or any benefit of any kind is promised, offered, given or conferred to or upon a person because he/she has already given false testimony or withheld true testimony in a judicial proceeding. It is unclear whether situations in which an undue advantage is promised, offered or given to the witness in order not to attend or not to produce evidence are covered.

Section 4 of the amended Justice Protection Act criminalizes "obstruction of justice" (section 2 JPA) against, inter alia, law enforcement officials, prosecutors, magistrates or judges.

Liability of legal persons (art. 26)

In accordance with section 3 of the General Interpretation and Clauses Act, "person" includes any public body and any body of persons. Sections 18 and 18A of the Financial and Corporate Service Providers Act regulate the civil liability of legal persons for offences committed by financial and corporate service providers and section 54 of the Proceeds of Crime Act establishes the criminal liability of legal persons committing offences established in the Act. Such liability is without prejudice to the criminal liability of natural persons. No specific provisions spell out the applicable sanctions and it was reported that no legal persons had been prosecuted previously for any offence.

Participation and attempt (art. 27)

Participation and attempt are regulated (sections 83 to 86 PC). The mere preparation for corruption-related offences is not criminalized.

Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)

The Bahamas has a broad range of sanctions for corruption-related offences that take into account the gravity of such offences. No jurisdictional privileges exist; functional immunity is accorded only to senators and members of the House of Assembly.

Prosecution is not obligatory (section 52 of the Criminal Procedure Code (CPC)); the decision of the Attorney-General not to prosecute is subject to judicial review (Order 53, Rules of the Supreme Court). There are no criteria for the exercise of the Attorney-General's discretion in the Criminal Procedure Code.

Pretrial detention can be imposed to ensure the presence of the defendant in criminal proceedings. Bail can also be granted (section 9 of the Bail Act), but shall be denied if the court is satisfied that there are substantial grounds for believing that the defendant would fail to surrender to custody or appear at his trial.

Early release and parole are not regulated by law. Pardon can be granted by the Governor-General (art. 90 of the Constitution).

A public officer can be interdicted if it is considered that the interests of the public service require that the officer cease to exercise the powers and functions of his office (General Orders 1121 to 1123).

Disciplinary proceedings for the suspension, but not for the dismissal, of a public officer can be carried out simultaneously with criminal proceedings (General Orders 1121 to 1223 and regulation 33 of the Public Service Commission Regulations). Once convicted, the public officer is dismissed. The reassignment of public officials accused of having committed an offence is not regulated.

Disqualification from public office as senators and members of the House of Assembly (arts. 42 and 48 of the Constitution) and from management offices in a company (section 83 of the Companies Act) is possible. The authorities confirmed that, in practice, no person who has been convicted of a corruption offence is considered for appointment to public office.

The prison rules foresee educational classes for prisoners. No reintegration programme has been established.

Collaborators with justice can be awarded mitigated sanctions through plea bargaining, or serve as witnesses, thus being exempt from prosecution if they supply useful information, and are eligible for witness protection. The Bahamas has not concluded agreements permitting the mitigation of punishment or the granting of immunity in international cases.

Protection of witnesses and reporting persons (arts. 32 and 33)

Witness protection is regulated in the amended Justice Protection Act and the Criminal Evidence (Witness Anonymity) Act. Offences under the Prevention of Bribery Act, but not all corruption offences, may give rise to protection under the Justice Protection Programme (section 9(1) JPA). The Administrative Centre in charge of protection measures (section 10 JPA) has not yet been established. As reported, protection for witnesses is available, but used sparingly. While victims, experts and family members of witnesses are not explicitly included among the beneficiaries, the authorities have confirmed that their protection is possible. The Bahamas has not concluded agreements for the international relocation of witnesses and experts, but can cooperate on a case-by-case basis.

Victims can testify as witnesses during the trial. Following a conviction, they can present their views and concerns to the court before sentencing.

Apart from the limited scope of protection for reporting persons offered in the Proceeds of Crime Act (sections 41 to 44), the Bahamas does not have specific protection measures for reporting persons. During the country visit, it was reported that consultations were ongoing to enact a specific whistle-blower protection act.

Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)

Conviction-based confiscation is regulated in section 10 POCA, while civil forfeiture of cash is established in section 47 POCA. Section 270 CPC also regulates confiscation. Subject to value-based confiscation is any "realisable property", as defined in section 4(3) POCA, including the proceeds of corruption offences.

Money or other things used in the commission of an offence (section 10(5)(b) POCA) and cash destined for use in any offence (sections 46 and 47 POCA) can be seized and confiscated.

Seizure and freezing of property, including instrumentalities, is regulated (sections 26 and 46 POCA, section 4 of the Financial Intelligence Unit Act and section 270 CPC).

Section 270 CPC regulates the seizure and confiscation of property obtained from any offence or into which the proceeds of any offence have been converted, and is also applied to the transformation of proceeds. Sections 46 and 47 POCA allow for the seizure and forfeiture of cash which the magistrate is satisfied represents the proceeds of criminal conduct.

The legislation contains assumptions to allow for the confiscation of property held by the defendant, without explicit reference to the proceeds of crime which have been intermingled with property acquired from legitimate sources (section 11(3) POCA).

Cash representing the income or other benefits from the proceeds of crime and from property into which the proceeds of crime have been transformed or converted, is liable to seizure and forfeiture as an indirect benefit (sections 46, 47 POCA). That does not apply to cash representing the income or other benefits from property with which such proceeds of crime have been intermingled, or property other than cash.

Confiscated proceeds are administrated by a Confiscated Assets Fund (section 52 POCA).

Section 35 POCA allows for the seizure of bank documents in the context of an investigation.

The reversal of the burden of proof in confiscation proceedings has not been established.

The protection of bona fide third parties in confiscation proceedings is regulated (sections 15 POCA and 270 CPC). The Bahamas indicated that the restrictive time frames for the challenge or assertion of third-party interests can cause a bona fide third party to lose their interest.

The Royal Bahamas Police Force can request a production order for the lifting of banking secrecy (section 35 POCA).

Statute of limitations; criminal record (arts. 29 and 41)

While there is no statute of limitations for trials on indictment, summary trial is only possible if charges have been laid within six months of the commission of the offence (section 213 CPC). All corruption offences can be tried summarily or on indictment.

Sections 81 and 185 CPC and common law allow for previous convictions, including foreign convictions, to be taken into account in criminal proceedings.

Jurisdiction (art. 42)

The Bahamas has established jurisdiction over offences committed within its territory (section 8 PC), partly within its territory (section 9 PC), on board a vessel

carrying its flag (section 10 PC) or an aircraft registered under its laws (section 15 of the Civil Aviation Act). Extraterritorial jurisdiction is foreseen only for extradition purposes (section 5(2) Extradition Act). The Bahamas has not adopted the active or passive personality principles, or established jurisdiction over offences when the alleged offender is present on its territory and is not extradited.

Consequences of acts of corruption; compensation for damage (arts. 34 and 35)

As reported, if a company is found to be in breach of the law, the competent regulatory body can take measures such as the blacklisting of the company, its dissolution or the revocation of its licence. Such measures also have an impact on the validity of the legal actions and contracts of the companies.

Sections 122 and 124 PC and section 10 PBA regulate the compensation for damages suffered as a result of corruption.

Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)

The Bahamas has set up a multi-agency internal task force to combat corruption, which includes law enforcement bodies. Those bodies do not have specialized anti-corruption sections.

A "swift justice initiative", seeking to streamline the cooperation between public authorities and public officials and investigating and prosecuting authorities, is ongoing.

The Financial Intelligence Unit receives reports of suspicious transactions and conducts training workshops with financial institutions. The Bahamas has established hotlines for the reporting of criminal offences.

2.2. Successes and good practices

- The effective implementation of section 47 POCA on civil forfeiture of seized cash.
- Section 474 PC criminalizes the behaviour set forth in section 472 with regard to persons who, at the time of the making of the endeavour, agreement or offer, are not yet public officers, jurors or voters, if such acts are done in the expectation that he will or may become or act as such officer, juror, or voter (art. 15(a)).
- The training offered to financial institutions by the Financial Intelligence Unit (art. 39).

2.3. Challenges in implementation

General part

- In the context of the limited number of cases made available, the Bahamas is encouraged to introduce a national system of crime statistics disaggregated by offences, the status of the process and the outcome.

Criminalization

With regard to criminalization, it is recommended that the Bahamas:

- Amend its legislation to abolish the exception established for so-called facilitation payments (art. 16, para. 1).

- Monitor the application of the legislation to ensure that the element of "lawful authority or reasonable excuse" is not applied in order to limit criminal liability for offences established in accordance with the Convention (arts. 15, 16, para. 1, and 17), and consider doing so with regard to article 16, paragraph 2. If the judiciary does not interpret the law in this way in the future, legislative reform may be required.

- Consider criminalizing the passive bribery of foreign public officials and officials of public international organizations (art. 16, para. 2).

- Continue to apply section 340 PC in cases in which third parties, including entities, benefited from the offence. Should the judiciary not interpret the law in this manner in the future, legislative reform may be required (art. 17).

- Consider broadening the scope of trading in influence to cover the promise or giving of an advantage, cases of supposed influence and influence by any other person (art. 18).

- Consider criminalizing the abuse of functions (art. 19).

- Consider criminalizing illicit enrichment (art. 20).

- Ensure that section 3(3) JPA is applied if an undue advantage is promised, offered or given to the witness in order not to attend a proceeding, or in order not to produce evidence. Should the judiciary not interpret the law in this manner, legislative reform may be required (art. 25, para. (a)).

Law enforcement

With regard to law enforcement, it is recommended that the Bahamas:

- Establish the liability of legal persons for offences established in accordance with the Convention outside the scope of the Penal Code, the Proceeds of Crime Act and the Financial and Corporate Service Providers Act; and assess the sanctions currently available for legal persons to ensure that they are effective, proportionate and dissuasive (art. 26).

- May wish to criminalize the mere preparation for a corruption-related offence (art. 27, para. 3).

- Assess whether not requiring the consent of the Attorney-General for prosecutions under section 354 PC and under part II PBA, as well as introducing criteria for the decision not to prosecute, would contribute to ensuring that any discretionary legal powers are exercised to maximize the effectiveness of law enforcement measures (art. 30, para. 3).

- Take into account the gravity of the offences concerned when considering the eventuality of early release or parole (art. 30, para. 5).

- Consider establishing procedures through which a public official accused of committing a corruption offence can be reassigned (art. 30, para. 6).

- Amend its legislation to allow for all criminal and disciplinary procedures to be conducted in parallel (art. 30, para. 8).

- Endeavour to further promote the reintegration into society of offenders (art. 30, para. 10).

- Regulate the confiscation of property, equipment or other instrumentalities destined for use in corruption offences in cases other than those of cash seized and forfeited (art. 31, para. 1(b)).

- To the extent that the proceeds of crime intermingled with property acquired from legitimate sources is not covered by section 11(3) POCA, amend its legislation to explicitly allow for the confiscation of such proceeds (art. 31, para. 5).

- Amend its legislation to regulate the confiscation of cash representing the income or other benefits from property with which the proceeds of crime have been intermingled; and the confiscation of property other than cash that is the income or other benefits derived from the proceeds of crime, from property into which such proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled (art. 31, para. 6).

- May wish to consider the possibility of requiring offenders to demonstrate the lawful origin of the alleged proceeds of crime (art. 31, para. 8).

- Amend its legislation to ensure that the time frames for the challenge or assertion of third-party interests in confiscation proceedings do not prejudice the exercise of such rights (art. 31, para. 9).

- Ensure the effectiveness of witness protection measures, if necessary, through the Administrative Centre for witness protection; ensure that all protection measures can be and are provided for corruption-related offences; and continue to protect experts, relatives and other persons close to witnesses and experts. Should the legislation be interpreted differently in the future, legislative reform may be required (art. 32, para. 1).

- Consider concluding agreements for the international relocation of witnesses or experts (art. 32, para. 3).

- Continue to ensure that victims can be protected. Should the interpretation of the Justice Protection Act be changed in the future, legislative reform may be required (art. 32, para. 4).

- Continue efforts to enact specific legislation on the protection of reporting persons (art. 33).

- Establish a body or bodies specialized in combating corruption through law enforcement and ensure that it or they are granted the necessary independence (art. 36).

- Extend the protection afforded under the Criminal Evidence (Witness Anonymity) Act to collaborators with justice in corruption offences (art. 37, para. 1).

- Consider concluding agreements on the mitigated punishment and immunity of collaborators with justice who cooperate with law enforcement authorities (art. 37, para. 5).

- Taking into account the "swift justice initiative", continue to strengthen cooperation between national authorities (art. 38).
- May wish to establish its jurisdiction over corruption offences committed against a national or by a national or stateless person who has his habitual residence in the Bahamas and over corruption offences committed against the State (art. 42, para. 2) and over corruption offences when the alleged offender is present on its territory and it does not extradite him (art. 42, para. 4).

2.4. Technical assistance needs identified to improve implementation of the Convention

The Bahamas indicated that the provision of the following forms of technical assistance would improve its implementation of the Convention:

- Legislative drafting to further address the concerns with regard to bona fide third parties, as well as model legislation and a compilation of best practices (art. 31(9)).
- Legislative drafting (art. 34).
- Specialized training (arts. 36 and 38).
- Training of prosecutors and police, and funding to support the establishment of the Administrative Centre (art. 37).

3. Chapter IV: International cooperation

3.1. Observations on the implementation of the articles under review

Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)

Extradition is regulated in the Extradition Act of 1994 (EA). The "extradition offence" is defined in section 5(a)(i) as an offence punishable with imprisonment for a term of two years or any greater punishment. The reviewing experts found that punishment threshold to be relatively high.

The requirement of dual criminality is foreseen in section 5(a)(ii) EA. The national authorities adopt a flexible approach when interpreting the dual criminality requirement by focusing on the underlying conduct (or "equivalent act or omission") and not on the denomination of the offence.

Accessory extradition is not feasible.

The Bahamas makes extradition conditional on the existence of a treaty and considers the Convention a legal basis for extradition. No relevant notification has been submitted to the Secretary-General of the United Nations. No extradition cases based solely on the Convention have been reported. The reciprocity principle is not recognized as a legal basis for extradition.

The grounds for refusal of extradition requests are set out in section 7 EA. The political nature of the offence in question is included among the grounds for refusal, but corruption-related offences are not deemed political crimes. The rule of speciality is foreseen in the Act (section 7(4)). The Bahamas extradites its nationals.

The evidentiary standards in extradition proceedings are specified in section 10(5)(a) EA. The court of committal should be satisfied that, where the person sought is accused of an offence, the evidence would provide probable cause to warrant his trial for that offence if it had been committed in the Bahamas.

The principle *aut dedere aut judicare* is applicable where a multilateral treaty or convention to which the Bahamas is a party imposes such an obligation and the Bahamas does not extradite a person who is being sought.

The duration of the extradition process invariably depends on the complexity of the matter. No specific information has been provided regarding the average duration of the extradition process, including the appeal proceedings upon application for habeas corpus (see section 11 EA), but officials recognized that in some cases the prolonged extradition process was an issue of concern. A simplified extradition procedure is foreseen in section 17 EA. The CARICOM Arrest Warrant Treaty (2008) has not yet been ratified by the Bahamas.

The reviewing experts favoured a more systematic approach to compiling statistical information on extradition cases.

The Bahamas is a party to the Inter-American Convention against Corruption, which also contains provisions on extradition. The schedule annexed to the Extradition (Application to Foreign States) Order, a regulation to the EA, contains a list of 25 Member States with which the Bahamas has signed bilateral treaties on extradition. Treaties with the United Kingdom of Great Britain and Northern Ireland and Canada have also been signed.

The transfer of prisoners is regulated by the Transfer of Offenders Act (1992). The Bahamas is a party to the European Convention on the Transfer of Sentenced Persons (1983). As reported, there is extensive practice in this field, with some 30 cases pending at the time of the country visit.

No practice has been reported regarding the transfer of criminal proceedings. Mutual legal assistance arrangements could be used in this regard.

Mutual legal assistance (art. 46)

The Bahamas has specific legislation for the provision of mutual legal assistance in criminal matters (the Mutual Legal Assistance (Criminal Matters) Act (MACMA) of 1988; the Criminal Justice (International Cooperation) Act of 2000; and the Criminal Justice (International Cooperation) (Enforcement of Overseas Forfeiture Orders) Order of 2002). The Bahamas do not require a treaty basis or dual criminality for the provision of mutual legal assistance.

The conditions for the provision of assistance, as well as the grounds for refusal, are set forth in the aforementioned acts. Bank secrecy is not a ground for refusal of requests for mutual legal assistance. Where it appears to the Attorney-General that the request relates exclusively to a fiscal offence, he shall not exercise his powers to provide evidence overseas, unless the request is made pursuant to a treaty to which the Bahamas is a party (section 6(8) of the Criminal Justice (International Cooperation) Act).

The central authority for requests for mutual legal assistance is the Attorney-General (section 2 MACMA). Requests can be addressed to the central

authority directly, or through diplomatic channels in the absence of a treaty. In urgent circumstances, requests can be addressed through the International Criminal Police Organization (INTERPOL).

The Bahamas has not notified the Secretary-General of the United Nations of its designated central authority and acceptable language(s) for the submission of requests for mutual legal assistance.

The execution of requests to obtain evidence can be carried out in accordance with domestic legislation, namely Order 65 of the Rules of the Supreme Court (section 6(4) of the Criminal Justice (International Cooperation) Act). However, in general, an agency, department of government or a court shall, in giving effect to a request approved by the competent authority, have such powers as are necessary to execute the request "in the manner sought under the request" (section 18 MACMA).

It was reported that an average of two weeks was needed for the production of requested documents. One of the challenges identified was the lack of proper translation of the requests received and supportive documentation.

The Bahamas is party to the Inter-American Convention on Mutual Assistance in Criminal Matters and the Inter-American Convention against Corruption, which also contain mutual legal assistance provisions. The schedule (section 2) annexed to the MACMA contains information on three bilateral treaties on mutual legal assistance in criminal matters with the United States of America, the United Kingdom and Canada.

Similarly to extradition, analytical statistical data on the effectiveness of mutual legal assistance proceedings or the number of requests received and refused were not provided.

Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)

As reported, no treaty is required for law enforcement cooperation; where available, such cooperation may be facilitated through mutual legal assistance arrangements. The Bahamas is a member of INTERPOL and the Egmont Group of Financial Intelligence Units and is party to the Comprehensive Maritime Agreement with the United States and Operation Bahamas, Turks and Caicos (OPBAT), a tripartite memorandum of understanding between the United Kingdom (including the Turks and Caicos Islands), the Bahamas and the United States.

Joint investigations have been used in practice on a case-by-case basis since 1984, mainly to investigate and interdict the flow of drugs.

Special investigative techniques are used mainly in drug trafficking cases. The authorization for electronic surveillance is provided by the Listening Devices Act (1972), while controlled delivery and undercover investigations can also be employed where necessary. Information obtained through special investigative techniques can be admissible as evidence in court proceedings.

3.2. Successes and good practices

Overall, the following points are regarded as successes in the framework of implementing chapter IV of the Convention:

- The comprehensive legal framework on international cooperation in criminal matters.
- The flexible interpretation of the dual criminality requirement in extradition proceedings based on the underlying conduct of the offence (art. 44, para. 2).
- The fact that mutual legal assistance is not subject to the dual criminality requirement (art. 46, para. 9).

3.3. Challenges in implementation

It is recommended that the Bahamas:

- Devote more resources and effort to maintaining statistics regarding compliance with chapter IV of the Convention.
- Consider the inclusion in legislation of a provision on accessory extradition (art. 44, para. 3).
- Notify the Secretary-General of the United Nations that the Convention can be used as a legal basis for extradition (art. 44, para. (6a)).
- Consider modifying the Extradition Act to lower the punishment threshold for the identification of extraditable offences (currently two years) (art. 44, para. 8).
- Consider easing the evidentiary standards applicable in extradition proceedings, particularly with a view to overcoming potential challenges encountered in extradition relations with civil law countries (art. 44, para. 9).
- Accelerate extradition proceedings with due respect to fair trial standards and protection of the rights of the person sought (art. 44, para. 9).
- Notify the Secretary-General of the United Nations of the central authority and of the acceptable languages for the submission of requests for mutual legal assistance (art. 46 (13) and (14)).
- Amend the Criminal Justice (International Cooperation) Act to ensure that requests for mutual legal assistance are not refused on the sole ground that the offence in question is also considered to involve fiscal matters (art. 46, para. 22).
- Continue to explore further opportunities to actively engage in agreements to enhance the effectiveness of mutual legal assistance (art. 46, para. 30).